IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 14061 of 1989
DATE OF DECISION: 30.8.2007

M/s Net Ram Harphool Singh and others

…Petitioners

Versus

The State of Haryana and another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: None.

M.M. KUMAR, J.

The petitioners have approached this Court by filing petition under Article 226 of the Constitution for directing the Secretary, Market Committee, Rohtak-respondent No. 2 not to proceed with the recovery process without determining as to whether the burden has been passed by the petitioners.

At the outset it is apposite to notice that the issue raised in this petition was dealt with by learned Single Judge of this Court while dismissing C.W.P. No. 2266 of 1987 (M/s Mansa Ram Puran Mal v. State of Haryana and others) and bunch of 19 writ petitions,

vide order dated 4.8.1987. Against the order dated 4.8.1987, appeal bearing No. L.P.A. No. 420 of 1987 was filed in this Court, which was also dismissed by a Division Bench of this Court on 27.11.1989. The order dated 27.11.1989, passed by the Division Bench reads as under:-

> " This appeal is directed against the order of the learned Single Judge dated 4.8.1987 passed in Civil Writ Petition No. 2266 of 1987 whereby the petitioners were directed to avail the remedy of appeal or revision as available under the Punjab Agricultural Produce Markets Act 1961 as per directions given therein.
>
> Since by virtue of the impugned order under appeal only the case has been remanded to be decided in appeal, we do not find any justification for interference in the said order in Letters Patent Appeal. Consequently, the appeal fails and is dismissed with costs.
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> Though there was no stay order passed by the Letters Patent Bench staying the operation of the impugned order, however, in case no such appeal was filed within one month, from the judgment of the learned single Judge, the same may be now filed by the appellant within one month from this order. In case any such appeal is filed the same may be disposed of as per directions given in the order of the learned single Judge."

On 3.11.1989, when the instant petition came up for motion hearing, the Division Bench ordered the same to be put up

after the decision of C.W.P. No. 13573 of 1989. Stay was also granted in the same terms as was granted in the aforesaid case. After decision of Letters Patent Bench, C.W.P. No. 13573 of 1989 and 22 other writ petitions were also disposed of by a learned Single Judge vide order dated 28.10.2006, which reads as under:-

> " This order shall dispose of the above-mentioned writ petitions, as common question of law and facts are involved. However, for the sake of reference, facts have been taken from C.W.P. No. 6282 of 1987.
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> A perusal of order dated 19.1.1988 shows that the writ petition was adjourned sine die to await the result in L.P.A. No. 420 of 1987. It is reported that L.P.A. No. 420 of 1987 has since been dismissed on 27.11.1989, affirming the judgment of a learned Single Judge of this Court.
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> The present petition is also disposed of in terms of the judgment of this Court in C.W.P. No. 6562 of 1986 – M/s Mahavir Dall and General Mills v. State of Haryana and others, decided on 4.8.1987, affirmed in L.P.A. No. 420 of 1987 – M/s Mahavir Dall and General Mills v. State of Haryana and others."

It is apposite to mention here that following the judgment rendered by learned Single Judge in the case of M/s Mahavir Dall and General Mills (supra) we have disposed of a similar petition in the case of M/s Khazan Cotton Ginning Factory, Uchana

Mandi and others v. State of Haryana and another (C.W.P. No. 14055 of 1989, decided on 20.7.2007).

In view of above, present petition is disposed of in terms of our judgment in the case of M/s Khazan Cotton Ginning Factory, Uchana Mandi and others v. State of Haryana and another (C.W.P. No. 14055 of 1989, decided on 20.7.2007).

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

August 30, 2007
Pkapoor